

<p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">27-30-02</p> <p>Date Filed</p> <p style="text-align: center;">January 12, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">3</p> <p>Effective Date</p> <p style="text-align: center;">May 26, 2005</p>
<p>Authority/References</p> <p>KRS 196.035, 431.005, 532.043</p>	<p>Subject</p> <p style="text-align: center;"><b>CONDITIONAL DISCHARGE OF SEX OFFENDERS</b></p>	

#### IV.I. DEFINITIONS

“Comprehensive Sex Offender Presentence Evaluation” (CSOPE) is required pursuant to KRS 532.050.

“Sex offender conditional discharge” means any person convicted under KRS 532.043(1).

#### VI.II. POLICY and PROCEDURE

A. Sex offenders who fit the criteria in KRS 532.043(1) and (6), and committed their crimes on or after July 15, 1998 (Lozier v. Com. 32 S.W.3d 511 (Ky.App. 2000)) shall be supervised by the Division of Probation and Parole. The period of supervision is set forth in KRS 532.043(2).

A.B. If the sex offender’s home placement is located outside the Commonwealth of Kentucky, the proper Interstate Compact documents shall be submitted in accordance with 27-14-01.

B.C. One hundred eighty (180) days prior to release, the sex offender shall provide home placement information in writing to the institutional designee showing the sex offender’s planned residence while on conditional discharge. If the sex offender’s home placement is located outside the Commonwealth of Kentucky the proper Interstate Compact documents shall be submitted. Please see CPP 27-14-01. The sex offender shall sign a release of information to allow information from the CSOPE to be forwarded by Interstate Compact if requested by the receiving state in order to transfer to the receiving state.

C.D. The sex offender’s home placement shall be investigated by an officer in the county the sex offender plans to reside. If the sex offender’s residence is approved, the officer shall send the approval in writing to the Placement Manager. If rejected, officer shall send the rejection in writing to the Placement Manager. The caseworker can contact the officer assigned to investigate the home placement to assist in finding suitable placement. The institutional designee shall ask the sex offender whether they have knowledge of any schools or licensed

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daycare that are within 1000 feet of the proposed home placement, pursuant to KRS 17.495.

D.E. Prior to being released from the institution, the sex offender shall sign an acknowledgment that the sex offender was given instructions and the address of the Probation and Parole office to report to in the county of the offender's residence. A copy of the home placement document, copies of the criminal offender registry form, and the registrant responsibility form shall be forwarded by the institutional offender information staff to the officer in the county where the sex offender is to reside.

E.F. The sex offender shall be placed on an officer's active caseload after his release from an institution. A parolee who receives a final discharge from parole shall be retained on an officer's active caseload. The designation of the offender shall be "conditional dischargee". The officer shall read the conditions of supervision to the conditional dischargee and provide the dischargee with a copy of the conditions of supervision and any special conditions imposed. If the conditions remain the same, the conditional dischargee shall be so notified. The officer shall notify the sex offender's court of origin of the sex offender's release and supervision as a conditional dischargee.

F.G. The officer shall complete the risk scale assessment defined in CPP 27-12-02 and assign the conditional dischargee to the determined level of supervision. If an assessment has been completed in the last six (6) months, a reassessment shall be completed. The initial assessment shall be completed on any person who serves out his sentence and begins the three-year conditional discharge.

G.H. The conditional dischargee shall be subject to the same conditions of supervision and supplemental conditions of supervision for sex offenders as an offender on probation or parole following a conviction for a sex offense. See CPP 27-30-03.

H.I. The supervision of a conditional dischargee shall be governed by the same policy and procedure governing the supervision of a dischargee placed on probation following conviction for a sex offense except that:

1. An officer shall have the same authority over a conditional dischargee as he has with any other offender placed on the supervision with the Division with the exception of the ability to use a detainer (refer to CPP 27-18-01).
2. Violation of any condition shall be reported in writing to the Commonwealth Attorney in the county of conviction.

E.J. If the conditional dischargee is reincarcerated for a violation of his conditional discharge conditions of supervision, the officer shall submit a prisoner intake notification. Furthermore, the conditional dischargee receives credit for everyday

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the conditional dischargee remains on release unless the conditional dischargee is a fugitive from justice and the time credit is stayed pursuant to statute.